# THE OMAHA DAILY BEE.

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## CATO WOULD PLAY POKER

He Was a Missouri River Pilgrim and a Pudding for the Gang.

RELAY OF SHARKS PLUCK HIS ROLL

**Ten Thousand Blown on a Trip from Sioux City to Leavenworth—Then Luck Smiled and He Broke a Bank.**

"A man hunting for poker trouble could get a plenty of it on the Big Muddy stern-wheelers around the latter '60s and the early '70s," said Joe Reilly of Sioux City to a correspondent of the New York Sun. "There weren't many regular poker sharks working the Missouri river boats in those days like there were on the Mississippi steamers, but just the same the men that traveled on those weather-boarded, lop-sided old sandbar wagons on the Big Muddy all knew how to play poker some, I'm a-telling you. Cato Bullman found this out when he went up against a whole lot of different men's games on the old General W. T. Sherman in 1872.

"Bullman was partners with Nate Stillwater in running a big general store in Yankton and both of 'em were making a mint of money at the time I'm going to tell you about. They'd ha' made more, I guess, if Stillwater hadn't drank too much whisky and Bullman hadn't played too much poker. Now, all in all, Stillwater handled his whisky pretty well, and at such times as he found it was getting a half-Nelson on him he'd leave it off for a spell and attend to business, so that his end of the dissolution of the firm of Stillwater & Bullman wasn't half as bad as Cato's. Cato loved to play poker so much that he'd knock off right in the middle of selling a big bill of goods to a gang of freighters to go off somewheres and sit into a game. Now, this wouldn't have been so bad, even if it was darned poor business policy, if Cato ever won. But he never did. He had no license ever to touch a pack of cards. In the first place he was a yap at cards and any American kid that knew how to play old maid could have hopped out of the back of a prairie schooner and beaten Cato out of his boots at the game for money, marbles or chalk. In the second place, Cato was a natural born hoodoo. If he was drawing to three aces and the other fellow was taking five cards the other fellow'd beat Cato out and have plenty to spare. So that it was just about up to Cato to holler murder and take to the brush whenever anybody flashed a pack of the pasteboards on him. But he didn't see it this way. He went right on playing poker and getting soaked for his share of the profits of the firm. Cato appeared to be just stone blind to the fact that the foxy people that didn't do much of anything else around Yankton except to play cards were in a fair way to fix themselves with meal tickets for life at his expense, and, as he was pretty near seven foot high and built in proportion, none of us felt like trying to kick any sense into his fool head.

A BUSINESS TRIP.

"Anyhow, in the summer of '72, Bullman started down the river on the old General W. T. Sherman for St. Louis to buy goods. He had $10,000 in greenbacks along with him. Before he went aboard the boat Stillwater, who wasn't much more'n five foot high, ranged himself alongside Cato's big carcass, and says he:

"'Cato, this here v'yage you're about to embark on is a business trip and nothin' else. It ain't no jamboree and it ain't no poker picnic. There's some smooth people gits aboard these here mud ploughs down below at the landings, and in their hands you'd be nothin' but a great big moon-eyed jayhawker, which you are. So throughout this here journey you'd best git 'way up on top o' the boat and sit on a pile o' planks just abaft the pilot house and smoke your pipe. You're not to play no poker at all, you hear me? When you git stuck on a sandbar you can fish over the side for bullhead catfish, but you don't play no poker. If when you git back here I hear that you've been playing poker, I'll mangle you up a heap, now you hear me a-talkin'.'

"Cato reached down, picked up his partner by the scruff of the neck, and held him out at arm's length.

"'I ain't a-goin' to play no poker, old man,' says he to Stillwater. 'Won't touch no cards at all 'till I git back. Kind o' lost my knack at the cards lately, anyhow,' as if he ever had any knack at 'em. 'And you want to let the redeye alone while I'm gone, too,' Cato finished, and then set his little partner down. Then Cato went aboard the boat. As I was going along down to St. Louis myself, Stillwater calls me aside and says to me:

"'Jest keep an eye on that big galoot on the way down, and if he gits restless and shows a inclination to get tangled up with a poker deck, jest bat him over the head with a capstan bar.'

THE STOCKMAN TAKES A HAND.

"But I wasn't making any rash promises like that. Well, Cato was all right the first day out, and he followed his partner's instructions and sat around on deck smoking his corncob pipe and feeling his big wallet occasionally. He kept as far away as possible from the little deckhouse where a game was started going before the boat pushed out into the stream, but the rattle of the chips was bound to reach his ears occasionally. On the second day some stockmen got aboard that Cato knew, and Cato took a few drinks with 'em. Then they invited Cato into a little game. Cato looked at me kind o' guilty like, and then shook himself together like a man does that says to himself, 'It's nobody's danged business but my own.' So he sits into the game with the stockmen. They were only going down a few landings and when they got off they had $2,000 of Cato's money. I never in my life before or since saw such hoodoo luck as Cato had in that game with those stockmen. He didn't get a pair more'n once in a hundred hands, and if he did get a pair and happened to better it in the draw he'd give a hoot that 'ud wake up the owls ashore and then bet like an Ogallala Sioux with four aces and a dirk knife. It was just simply painful to watch Cato in that game, and no mistake. When the stockmen got off some of them actually looked so sorry for Cato that I kind o' thought they'd offer to give him his money back. But they didn't.

"'I'm kind o' out o' luck lately,' says Cato to me after the stockmen had got off with his $2,000, 'and I b'lieve I'll just draw in now and wait for a hunch. No good buckin' agin' a streak o' bad luck, is there?'

"Well, I told him that if my 10-year-old boy down in Sioux City wasn't able to play poker any better than he, Cato could before he put on long trousers and suspenders, I'd send him up to a lumber camp until he became of age. But Cato didn't pay any attention to me, and when an awkward overworked-looking man, dressed like a farmer, got aboard a couple of landings below he struck up an acquaintance with him. This farmer-like looking man had a pretty keen pair of eyes in his head, as I noticed, and he had besides that yokelly way of finding out about other people's business. So it didn't take him long to dig it out of Cato that Cato was going down to St. Louis to buy a stock of goods. The three of us were sitting on the hind rail, whittling when this farmer-like looking man turns to Cato and asks him:

"'Ever play ke-ards?'

THE FARMER CHIPS IN.

"Cato looked at me again and hesitated.

"'O, wunct in a while,' says he, finally, and in a pair of minutes they were in the middle of a poker game. The stranger asked me to sit in, of course, but I could see that he wasn't over-anxious to have me in the game, and I never played poker on steamboats, stern-wheel or side-wheel, anyhow.

"Well, Cato did lose it all, or close on to all of it. He foregathered with a man that got abroad at Omaha, and said he was a civil engineer for the Union Pacific railroad. The civil engineer got $1,800 of Cato's greenbacks, and then got off. Twenty miles below Omaha, at a little landing, a gappy looking hog raiser that Cato had met before climbed over the rail, and Cato thought he saw a chance to recoup his drooping fortunes. The hog raiser relieved Cato of $1,000 and had an important engagement to look at some fancy hogs at the next stop. This left Cato with $200.

"'Convinced that you're a damphool yet, Cato?' says I.

"'Danged if I don't begin to b'lieve I am,' he owns up.

"'How about those goods you were going to buy in St. Louis?' I asked him.

"'I dunno,' he said, mournful like.

"Well, when we got to Leavenworth, Kan., the wheezy old Sherman tied up for twenty-four hours for repairs to the machinery. Cato was pretty gloomy. We went ashore and put up at the old Planters' house. On the night we struck Leavenworth I walked Cato around to sort o' relieve his mind. We were strolling down Shawnee street when we both saw a pretty much lighted up place into which a lot of well-gotten up men were going. When we came up to the place we heard the rattle of the chips and click of the marble and the choppy talk of the keno men, and then we saw that it was Colonel Jennison's famous Bon Ton gambling joint, running wide open and full blast. Cato made for the door. I grabbed him by the arm.

"'Come on out o' that,' said I. You've only got $200, which won't more'n get you back to Yankton. Haven't you been enough of an idiot already?

"'I got a hunch,' says Cato, releasing himself from me and starting again for the door.

"'Hunch!' says I, but he was already inside.

BREAKING THE BANK.

"Well, Cato goes up to the faro table where the big men of the town seem to be playing bank, and says I to myself, 'Joe, you'll have to dig up to send this crazy man back to his pardner in Yankton.'

"Cato bought $200 worth of chips, tapping himself, and began. Gentlemen, he couldn't lose. He scattered his chips over every card on the table, and he couldn't lose. He won eight bets out of ten. He let his money lie on cards four times over, and won every time. He didn't use a copper, but played every card wide open. There didn't seem to be a split in the box for Cato. In less than twenty minutes he had won over $3,000. There was a $500 limit on the game. Cato asked to have it removed. When the limit was taken off, Cato made three $1,000 bets running, and won every one of them. Then he came off his perch and got down to $200 bets again, playing 'em like a veteran, and just simply unable to lose, gentlemen. The rest of the men at the table quit playing just to watch Cato. Once in a while Cato'd play the high card, just to see if his luck was holding. The high card came out every time he did it. They switched the dealer three times. They switched the lookout half a dozen times. They tried different boxes. They changed tables. They did everything. But, gentlemen, Cato Bullman was playing faro, and he couldn't lose. I was proud of the big duffer. In an hour he was $18,000 ahead of Colonel Jennison's bank. They sent across the way to get Colonel Jennison, who was playing a quiet little game of poker in the Star of the West saloon. Colonel Jennison came over to the Bon Ton and sat down to handle the box for Cato himself. Cato soaked Colonel Jennison every bit as hard as he had soaked all of Colonel Jennison's dealers. Colonel Jennison was game, but, when at the end of three hours, Cato was still going right ahead winning like a cyclone, he turned the box over with this little remark: 'Gentlemen, the game is closed for the night.'

"When Cato cashed in he had just $35,200. I took him by the arm and walked him down to the hotel and got him into his room. Cato went to the basin to wash his hands. When he turned around to me again he looked into the barrels of both my guns.

"'Cato,' says I, 'I'm sorry, but I'll just trouble you to hand over every cent of that $35,200 you've got, right away now, darned quick, or I'll blow the whole top of your head off.'

"Cato didn't demur a little bit. He plunked the money down—most of it was in $1,000 and $500 bills—on the table.

"'I don't suppose I've got enough sense to pack it around, fur a fac',' said he.

"When we got to St. Louis I handed Cato $10,000 to buy his goods with, and expressed the $25,200 to his address in Yankton.

"'Well,' said his little partner, Stillwater, when Cato got back to Yankton, 's'long as you won, you big clodhopper. I don't o'pose I need to mangle you up none. But if you had lost!' "

### EXTENSIVE COFFEE PLANTER QUITS

**Several American Firms Among the Creditors.**

SAN FRANCISCO, Feb. 3.—The Chronicle says: Don Manuel L. Barrillas, ex-president of Guatemala and millionaire coffee planter, has turned over all his vast plantation properties to two prominent business men of Quezaltenang, who will liquidate the estate for him. A circular announcing the liquidation has been sent out to all firms with which Barrillas has had dealings and has been received by several South American houses in this city. It simply recites the fact that it has been thought best for various reason to place the firm of M. L. Barrillas & Co. in liquidation and that Frederico Koch, a prominent merchant, and Manuel Diguez, a well known lawyer, have been appointed liquidators to close up all pending operations and take entire charge of the business. Castle Bros., who are the heaviest creditors of the house in California, have Solomon Hirsch in Guatemala at present looking after their interests. From his letters they are satisfied that Barrillas is not only solvent, but still very wealthy, and are not at all alarmed about the latest turn of affairs.

### DOES NOT HURT CALIFORNIA MUCH.

**Sends Very Little Fresh Fruit to Germany.**

SAN FRANCISCO, Feb. 3.—Among the fruit exporters in San Francisco the news of the action of the German government prohibiting the importation of American fruit created no alarm. Albert Castle of Castle Bros. voiced the general sentiment in the statement that California sent too little fresh fruit to Germany to feel the prohibition. He agreed with J. K. Armsby & Co's. representative and those of Poorter Bros. company, and Rosenburg Bros. & Co., that at present the market in Germany for this state's fresh fruits was not of sufficient importance to justify alarm. Joseph A. Filcher, secretary of the State Board of Trade, said: "I believe that Germany's action is in retaliation for the sugar tariff of the Dingley bill. It will not affect California much, as we export such small quantities of fresh fruits to that country. Of course, an extension of the prohibition to dried fruits would concern us mightily."

**Find the Shrapnel Shells Defective.**

SAN FRANCISCO, Feb. 3.—Tests of shrapnel shells furnished to the United States army have been made by Lieutenant F. B. Babbitt of Benecia arsenal. Twenty-six shells were fired and 50 per cent of the ammunition was found to be wholly worthless. The flimsy shrapnel was furnished by an ordnance company of Washington. All shells fused by electricity were excluded from the twenty-six rounds selected by Lieutenant Babbitt. Charles R. Suter, chief engineer of the Pacific division, has instructions from General J. M. Wilson, chief of engineers, Washington, to hasten the work of mounting the modern guns for the defense of this harbor. In accordance with instructions the force of workmen on the fortifications will be enlarged.

**Suit Against Street Car Lines.**

CHICAGO, Feb. 3.—Commissioner of Public Works McGann has started court proceeding against the North and West Chicago Street Railway companies for alleged violation of the law requiring street railway companies to clear away the snow and ice from the streets along which their lins run. Many of the west and north side streets are in an almost impassible condition.

## OMAHANS AND PORT ARTHUR

Delegation to Look Over Country Between Here and Texas.

COMMERCIAL CLUB EXCURSION STARTS

**Seventy-Five Business Men the Guests of President Stilwell on a Trip Over His Southern Line.**

The first train of sleeping cars that ever crossed the Missouri river on the East Omaha bridge went over that bridge yesterday morning shortly after 10 o'clock. It was a special train of three cars, carrying the excursion of the Kansas City, Pittsburg & Gulf railroad from Omaha to Port Arthur, Tex.

The excursion was arranged by the Omaha Commercial club, and was confined to members of that organization. The trip is taken by the invitation of Arthur E. Stilwell, president of the Kansas City, Pittsburg & Gulf railroad, which he delivered at the banquet recently tendered him in this city by the Omaha Commercial club. Nearly seventy-five representative citizens, including jobbers, merchants, bankers, physicians and attorneys, were in the party this morning. The party is in charge of John E. Utt, commissioner of the Omaha Commercial club, and will be joined this evening at Kansas City by Henry C. Orr, general passenger and ticket agent of the Port Arthur Route, who will be the leader of the merry crowd after leaving Kansas City. In addition to the visit to Port Arthur, stops will be made at the principal points along the new road and brief sojourns will be afforded in other cities of the south.

While the excursion is run in the interest of the Port Arthur Route, the Transmiss'ssippi and International Exposition will be extensively advertised by the Omahans during their trip through the south. Immense banners bearing the words, "Transmiss'ssippi and International Exposition, Omaha, June-November, 1898," were suspended on both sides of the cars, and within there was a generous amount of exposition advertising matter, including a half dozen pictures of the grounds and buildings neatly framed. Each member of the party wore a blue badge of the Omaha Commercial club.

It was just 10:05 a. m. when the train left the freight depot of the Omaha Bridge & Terminal Railway company at Eleventh and Nicholas streets. The train consisted of a locomotive and a passenger coach of the Port Arthur Route and of the sleeping cars "Nilus" and "Merida," of the Pullman company. Another sleeping car will be added at Kansas City. From here to Kansas City the party was accompanied by Assistant Superintendent Talcott of the Pullman company. The run up to East Omaha, across the big bridge there and over to Council Bluffs was made in just twenty-one minutes and afforded the first opportunity for a number of the Omaha excursionists to see the property of the Omaha Bridge & Terminal Railway company.

The following members of the Omaha Commercial club constituted the party:

C. F. Weller, J. S. Brady, C. H. Pickins, G. W. Lininger, Euclid Martin, F. E. Sanborn, A. W. Clark, Judge W. D. McHugh, George W. Towle, J. H. McDowell, C. H. Chisam, A. M. Clark, J. B. McGregor, N. A. Kuhn, Dr. W. H. Hanchett, J. E. Utt, W. B. Taylor, J. B. Rahm, C. P. Norwall, Lew W. Raber, S. Reynolds, H. C. Sharp, E. S. Clark, Luther Drake, Charles D. Thompson, Dr. J. P. Lord, L. D. Erion, T. C. Shelley, James Stephenson, G. W. Carlock, George W. Tierney, R. C. Jordan, J. R. Snyder, M. T. Barlow, A. J. Vierling, F. C. DeVol, E. V. Lewis, Herman Drishaus, W. B. Melkle, George E. Barker, L. T. Sunderland, Fred Metz, jr., Charles M. Harl, W. F. Allen, George M. Nattinger, F. N. Clark, D. P. Rolfe, W. D. Mead, jr., W. A. DeBord, E. W. Gunther, W. W. Coates, T. C. Havens, G. W. Garloch, Robert Dempster, G. F. Brucker, J. A. Buckstaff, R. C. Peters, E. M. Andreesen, H. J. Lee, E. G. McGilton, T. N. Naudain, J. H. Daniels, E. L. Dodder, jr., A. B. Somers, H. K. Burket, W. N. Nason, B. S. Baker, J. B. Cowgill, M. Marks, H. E. Palmer, Herman Heyn, Ernest Peycke, J. W. Thomas, John T. Hopkins, John F. Dale, A. W. Bowman, J. M. Richards, G. H. Payne, Burt C. Raymond, Dr. W. J. Brownrigg, H. B. Boyles, M. Wulpi.

### BURLINGTON'S NEW SCHEDULE.

**Restoration of Trains Brings About a Readjustment of Service.**

Both the Northwestern-Union Pacific and the Burlington lines are booming their new fast trains, which will be placed in service between Chicago and Denver via Omaha on Sunday. At present there is quite an energetic contest between the competing lines to popularize the new trains. Both lines are making arrangements to carry a number of newspaper men from Omaha, Chicago and Denver on the initial trips.

In connection with the restoration of trains Nos. 1 and 6 the Burlington has entirely rearranged its train schedule. General Passenger Agent Francis yesterday gave out the following statement of the changes on the B. & M.:

No. 1 will leave Chicago at 10 a. m., Omaha at 11:55 p. m., arriving at Denver at 1:30 p. m. No. 6, which will run via the old main line from Ashland, will leave Denver at 10 a. m., Hastings at 8:50 p. m., Lincoln at 11:19 p. m., reaching Chicago at 2:15 p. m., making connections with all trains for the east. This train will cross the Missouri river at Plattsmouth at 1 a. m. Trains Nos. 4 and 5 will be abandoned west of McCook. No. 5's schedule, Chicago to McCook, will be about as at present. No. 4 will leave McCook at 3:20 p. m., arriving at Hastings at 8:20 p. m., there transferring its passengers to No. 6. A new train, No. 8, to take the place of No. 4 between Hastings and Lincoln, will leave Hastings at 6:50 a. m., making all stops, arriving at Lincoln at 10:05 a. m., and there connecting with No. 92 for Omaha. No. 4 will leave Lincoln, as now, at 8 a. m. Train No. 10, for Creston, Ia., will leave Council Bluffs at 3:45 p. m., a half hour later than at present. No. 2 will continue to leave Denver at 9:50 p. m. It will stop at principal stations west of McCook, arriving at Oxford 7:50 a. m., Kenesaw, 10:05 a. m. and Hastings, 10:35 a. m. Between Hastings and Lincoln it will stop at Harvard and Fairmont only. Arriving time at Lincoln and schedule east thereof remain unchanged. No. 3's schedule, Chicago to McCook, will be about as now. On account of No. 5 being abandoned west of McCook, No. 3 will stop at principal stations between McCook and Denver. It is scheduled to arrive at Denver at 7:30 a. m. No. 16 will leave Oxford at 8:10 a. m., in place of 7:40 a. m., as now, arriving at Red Cloud twenty minutes and St. Joseph ten minutes later than at present.

### HANDLING EXPOSITION FREIGHT.

**Railroad Men Hold Another Futile Conference on the Matter.**

There was another meeting of the freight representatives of the Omaha lines at exposition headquarters yesterday to consider the best means of handling freight between the terminals of the different lines and the exposition grounds. The Department of Transportation of the exposition was not represented on account of the illness of Manager Babcock. The freight men discussed the situation for over an hour and adjourned without accomplishing anything. No definite action whatever was taken.

A number of the lines kicked on the proposition of the Northwestern to establish a joint agency for the handling of the freight, as was done at the World's fair in Chicago. The Missouri Pacific indicated that it would recede from its former position regarding the transportation of less than carload lots from the terminals of other lines to the exposition grounds. It is probable that the Missouri Pacific will handle freight for the exposition from the terminals of other lines to the exposition grounds for 5 cents per 100 pounds, the exposition to receive 6 cents per 100 pounds for handling the freight within the grounds. It is probable that another meeting will be held to take final action on this matter during the early part of next week.

**Port Arthur Route Matters.**

John A. Sargent, general freight agent of the Kansas City, Pittsburg & Gulf railroad, is in the city looking over the local freight situation with his assistant, George M. Enstrikin. To a Bee reporter Mr. Sargent said: "There are no changes to announce at present for our freight department. I believe other than those announced by The Bee yesterday. Later there may be some changes further east on the line, but we are not ready to announce these just yet."

In regard to the cut of the Memphis and the Missouri Pacific railroads on rates from New Orleans to Kansas City to 24 cents per 100 pounds in order to make a differential of 3 cents between Omaha and Kansas City, Mr. Sargent said: "There will be a meeting in New Orleans on Friday to consider this whole matter and some definite action will be taken by all the roads on this subject at this meeting. I think it is altogether probable that at this meeting the Memphis and the Missouri Pacific railroads will agree to put their rates to Kansas City back to the basis of 27 cents. This is the same rate as is made to Omaha and that's what it should be to Kansas City. This is the position taken by the Port Arthur Route and we intend to stand by it."

**Magnates Discuss Differentials.**

NEW YORK, Feb. 3.—An important meeting of railroad officials interested in lake and rail matters was held here today at the rooms of the Joint Traffic association. Commissioner Blanchard was in the chair. About a dozen roads, all members of the Joint Traffic association, were represented. The main purpose of the meeting was to consider the question of differential rates on east and westbound business—all rail and lake and rail. Seaboard differentials, it was declared by one of the parties to the conference, were not discussed. It is thought the result of the meeting will be a reduction of differentials from 25 to 15 per cent.

**Asks for a Receiver.**

INDIANAPOLIS, Ind., Feb. 3.—Henry K. McHarg of Connecticut this evening began proceedings in the United States court to put the Chicago & Southeastern railroad in the hands of a receiver.

### TRAIN SERVICE IS RESTORED.

**Extreme Cold Follows the Storm of Monday.**

SPRINGFIELD, Mass., Feb. 3.—The cold wave which moved into this section yesterday morning reached a climax this morning with the temperature ranging from 8 to 17 degrees below zero. Railroad and electric car traffic has been restored, but trains from distant points are all late.

BOSTON, Feb. 3.—Boston today has resumed its normal condition as far as street car and steam railway traffic is concerned. Except a few of the down-town thoroughfares, however, the streets are piled high with snow. The condition of the wire system in the suburbs of the city is more discouraging. For more than two days linemen have been engaged in efforts to straighten the tangles at various points, but they have succeeded in doing little more than to open up circuits to New York. Communication by telegraph can now be had by way of New York with points in the vicinity of Boston with which there is no direct connection by wire. The telephone companies have also patched up lines to New York and to several Massachusetts points, but Vermont, New Hampshire, Maine, Rhode Island and Connecticut are still cut off.

The tales of wrecks and loss of life thus far received from the coast furnish the darkest chapter in the history of the storm. Yesterday's report of twelve bodies being found on Baker's island in Salem harbor, however, cannot be verified.

NEW YORK, Feb. 3.—So far as traffic is concerned the effects in this section of the storm last Monday have been overcome. The Long Island railroad has succeeded in raising the embargo on its eastern division and today trains are running to Greenport for the first time since Monday evening. The removal of snow from the streets of Manhattan borough has up to this time cost the city of New York $54,174.

The first mails from the northern part of this state this week reached the general postoffice here at 8 o'clock today. The eastern mail by way of Providence got here at 9 a. m., but the train from Boston by way of Springfield had not been reported at 10 a. m.

### MORE TROUBLE FOR DR. BROWN.

**Chicago Church Likely to Split Over Retaining Him.**

CHICAGO, Feb. 3.—Trouble seems to be in store for Rev. C. O. Brown, and despite the efforts being made by his friends to retain him as pastor, it is probable he will have to resign his pulpit against the wishes of those who back him or allow the Green Street Congregational church to disband. The regular prayer meeting last night was followed by a business meeting. Trustee Hanson read a letter from the absent pastor in which the latter said he had telegraphed his resignation. A telegram was also read from the absent pastor asking that official action be postponed until the regular meeting on February 8. This was opposed by some of the trustees, but it was finally decided to defer action until next week. The meeting broke up in some disorder after a request for the reading of Rev. Brown's resignation had been refused. It was predicted by several of the members that there would be serious trouble in the Green Street church inside of a week. Dr. Brown is expected to arrive here next Sunday.

### SHIPS REPORT ROUGH WEATHER

**Come Into Port with Decks Covered with Ice.**

NEW YORK, Feb. 3.—The steamer Teutonic, Captain Cameron, arrived today from Liverpool and Queenstown after a very stormy voyage. For three days after leaving Queenstown the Teutonic experienced a succession of fresh, southerly gales with heavy cross seas. On January 31 the gale increased until it blew with cyclonic force, accompanied by snow. After nearly twenty hours the storm subsided into a fresh, southeasterly gale, then shifting to a westerly gale and lasting up to the time of the steamer's arrival at Sandy Hook. The steamer Alps and the Norwegian fruit steamer Douglass were the only arrivals from West India ports this morning. Both ships experienced very heavy weather after passing Cape Hatteras. Their decks, rails and sides were covered with ice.

**Big Woolen Mills Sold**

WORCESTER, Mass., Feb. 3.—Deeds transferring the Waterford woolen mills at Blackstone to Charles Fletcher of Providence from the Earl P. Mason Land company, the heirs of Bailey W. Evans and the heirs of Cooley Seagrave, have been received here for registry. This formal act is the consummation of one of the biggest transactions in mill property in Worcester for years. The property cost over $500,000 and it is undestood that it has changed hands for much less than half that figure. The mills, which for the past four years have been shut down by reason of the general business depression and legal tangles, are now likely to be operated at an early date. The plant consists of big factories and formerly gave employment to 1,000 hands.

**Steam Obscures the Train.**

SOMERVILLE, Mass., Feb. 3.—A local passenger train from Stoneham, on the southern division of the Boston & Maine railroad, was struck in the rear and telescoped at the Winter Hill station this morning by a train from Concord and several persons injured, some seriously.

The engineer of the Concord train was unable to see the train ahead of him on account of the steam from his locomotive.

## BANKERS HELD FOR TRIAL

Three Officials of a Dead Institution Bound Over.

JUDGE SCOTT ON THE MIDLAND CASE

**Concludes the Insolvency of the Bank Was Known to the Officers and that Deposits Were Illegally Received.**

Frank B. Johnson, William H. Johnson and Charles A. Sharp, officers and stockholders of the Midland State bank, have been held for trial in the district court on a charge of receiving deposits, knowing the bank to be insolvent.

The case was heard before Judge Scott same days ago, at which time the defendants, by their attorneys, denied the right of the judge to sit as an examining magistrate. Judge Scott reviewed the law and held that he had such right, after which he held the defendants to appear at the next term of the criminal court.

In passing upon the case Judge Scott said: Under the provisions of this statute it will be seen that if the Midland State bank was insolvent at the time the deposit therein was made by said McKenna, and that said defendants were then and there the officers or agents of said bank as alleged, and that they knowingly did receive or accept, were accessory to, or permitted or connived at the receiving or accepting on deposit therein or thereby the said deposit, then said defendants are guilty of a felony and upon conviction thereof subject to imprisonment in the penitentiary from one to ten years.

KNOWLEDGE NOT NECESSARY.

Nor is it necessary, to warrant a conviction, that the defendants should have had actual knowledge of the insolvency of the bank at the time such deposit was received. The defendant, Frank B. Johnson, was then and there, and had been, as shown by the undisputed testimony, the manager of the bank, William H. Johnson was then and there, and had been, the cashier, and said Charles A. Sharp was then and there, and had been, the president of said bank, and by every just and reasonable construction of the statute in that regard, in the light of the object and purpose of that statute, must be conclusively presumed to have known what the financial condition of the bank was, and if insolvent then they must have known of such insolvency, and no further proof would be required to show such knowledge than that at the time of receiving the deposit the bank was insolvent and that they were the officers and agents of the bank as alleged. Any other construction of the statute would utterly defeat the object and purpose of the statute, in that it would award a premium to the bank officers, such as defendants were, for the grossest kind of negligence and carelessness; it would furnish a shield of protection to such officers of the bank while they in effect rifled the pockets of depositors. The depositor has no other anchor of hope for his money when he deposits it in a bank than that of confidence in the solvency of the bank and that confidence can only spring from his confidence in the honor and integrity of the bank officers—the absolute reliance upon and confidence in the fact that the bank officers will not keep secret the insolvency of the bank; that they will not shut their eyes to, or plead ignorance to the fact that the bank was insolvent at the time of the deposit by its customers.

OBLIGATIONS OF BANKERS.

In order that defendants escape the penalty of the law, they were required to know, at their peril, that the bank was insolvent at the time of the deposit, otherwise they refused the deposit. Otherwise the law enacted for the protection of the depositor becomes by a forced construction and subterfuge, a license for the bank officials to ply their vocations of holding up their confiding, trusting, deluded, depositing customers as do the road agents, with this fact in favor of the latter; the road agents violate no confidence when they hold up their victims. If the bankers are to regulate the finances of the country then the only city of refuge for the depositing customers is a vigorous regulation of dishonest, insolvent bankers by criminal proceedings against all who, by deception, criminal ignorance or intentional rascality, rob their depositing customers by false pretenses, actual or constructive.

But we are not required in this case to resort to construction. The statute is plain, unambiguous, direct and positive. The evidence in the case is also plain, unambiguous, direct, positive and uncontradicted.

The circumstances surrounding the organization of the bank and its subsequent collapse, together with the receipt of the deposits up to the hour of closing on the day of the failure, are detailed, and the opinion proceeds:

Another feature of the case is that on the 15th day of September 1896, before the deposits of that day were made Frank B. Johnson was skirmishing around Omaha to obtain a loan of $10,000 in order to keep the bank open a while longer.

Another fact in the case and established by the testimony is that, as before stated, only $50,000 of the capital stock had been paid in and that on the 15th day of September, 1896, Frank B. Johnson had drawn out of the bank on his promissory note $12,653, Charles A. Sharp had drawn out of the bank on his note $9,679.29 and William H. Johnson on his note $5,365; total, $27,897.29.

The provisions of the Nebraska statutes regulating banking are quoted, showing the liability of officers in loaning money to themselves from the bank funds. The conclusion is that the officers were already criminally liable for their acts in this respect.

WHEN M'KENNA DEPOSITED.

By the uncontradicted testimony in this case, when the deposit in question was made by McKenna, the deposit was personally received by the defendant, William H. Johnson and entered upon the passbook of the said McKenna by said William H. Johnson, and that at that particular time, Frank B. Johnson stood on one side of said William H. Johnson and said Charles A. Sharp stood on the other side of said William H. Johnson with his hand resting on the shoulder of the said William H. Johnson, and that all three were present and personally witnessed the deposit of the $474.65 by McKenna, and aided and abetted and connived at the illegal receipt in said bank of the said deposit of the said McKenna.

It would be an imputation against the intelligence of any one hearing this uncontradicted testimony to question the inevitable conclusion in his mind that defendants knew that the bank was insolvent at the time the deposit was made by McKenna and that defendants all three were parties to the act of receiving said deposit and that all three defendants were and are guilty of the crime charged.

No other conclusion is possible under the law and the evidence.

I therefore, upon the whole examination, find that it appears that the offense charged has been committed and that there is probable cause to believe the defendants guilty thereof and it is adjudged by me that the defendants be held each in the sum of $2,000 with approved security, as required by law, for their and each of their appearance before the criminal branch of the district court in and for said Douglas county at the next term thereof, to answer said charge, and not depart without leave of the same.

The defendants excepted to the finding of the court, but gave bonds for their appearance at the February term. The witnesses were also required to give bonds for their appearance at the next term of the criminal court.

### HAS TOO MUCH MOTHER-IN-LAW.

**Mrs. Blanch Vrandenberg Seeking to Get a Divorce.**

Mrs. Blanch Vrandenberg is of the opinion that she has a case of too much mother-in-law and with this opinion firmly fixed, she has commenced a $10,000 damage suit against Mrs. George Vrandenberg, the aforesaid mother-in-law. She has also declared that she will rid herself of the whole tribe of Vrandenbergs and with this end in view, she has commenced divorce proceedings against her husband, George Vrandenberg, to whom she was married on April 12, 1897.

Mrs. Blanch Vrandenberg alleges that she and her husband were happy and got along in good shape until the mother-in-law appeared upon the scene a few weeks ago, after which her life was miserable, made so by the remarks of the woman and the neglect of her husband, who finally left her in a destitute condition on January 28 last. The plaintiff in the suit alleges that she is only 18 and that her husband is less than 21 years of age and as he is a minor, she asks that his mother pay his bills. The wife in the case asks alimony pending the suit, fixing the allowance that she will require at $30 per month and at the same time asks for an allowance of $100 with which to pay her attorney.

### HAY THIEF MAKES A FIGHT.

**Captured After a Struggle in Which He Was Roughly Used.**

The police court took on the appearance of a battlefield during the late unpleasantness when Judge Gordon took his judicial chair yesterday. Willis Thrush, a teamster, and Hans Rasmussen, proprietor of the Florence dairy, both living out near Miller park, essayed the roles of battle-scarred veterans, and were the central attractions. Each possessed a head swathed in linen as a result of the other's blows. Thrush was a prisoner on a charge of larceny and for an assault with intent to kill, while Rasmussen acted as complaining witness.

Rasmussen lives on Twenty-fourth street, just north of the city limits, and is the owner of several large stacks of hay. Lately he has been missing large quantities of it. Wednesday night he resolved to lay in wait for the thieves, so, taking a position in a little outbuilding not far distant from the stacks, he passed the time as best he could. About midnight the watcher dozed for a few minutes. He was awakened by the swish of hay as it was being thrown on a wagon and peering out in the gloom he could descry the thief making away with his property. Rasmussen grasped a long bean pole, with which he had armed himself, and tiptoeing up behind the robber brought the pole down on his skull with a resounding whack. The thief dropped a pitchfork full of hay and made a rush for the old man. He jabbed it into Rasmussen's face, narrowly missing his eye, and then struck him over the head with it. Then the marauder attempted to make his escape by climbing into his wagon.

The old man, however, was too agile for him, for getting a hold on his collar he pulled him to the ground and then shouted lustily for help. In response to his cries Fred Dreesen ran to his assistance and after a prolonged tussle secured the thief and bound him hand and foot. This was not accomplished, however, before the desperate man had wounded Dreesen on the forehead with his pitchfork and had torn Rasmussen's cheek open by a thrust from one of the tines. For this he received some jabs from the pole, which laid his scalp open.

After Rasmussen had stopped the flow of blood from his wounds somewhat the thief was bundled into his own wagon and was driven to the street car barn on Ames avenue. Here the patrol wagon was summoned and the pugnacious thief was locked up.

When arraigned yesterday Thrush admitted having stolen the hay, and also asserted that it was not the first time that he had helped himself to Rasmussen's stacks. He said, however, that he was taking it from a small "butt" which he thought had been discarded by the owner and that he had not thought the stuff of much value. He said he had been completely surprised when Rasmussen struck him and had acted merely in self-defense. He pleaded not guilty to the charges and the case was set for trial next Tuesday at 10 o'clock.

### CENTRAL BOULEVARD MEETING.

**Assemblage of Citizens Called for the Ninth Ward Tonight.**

Chairman Kierstead of the Board of County Commissioners has called a mass meeting for tonight at the hall at Twenty-ninth and Farnam streets, where the proposed Central boulevard will be discussed. Members of the Board of County Commissioners, the city council and the Park commissioners have promised to attend.

Mr. Kierstead says that the residents and property owners in the western end of the city are enthusiastic over the proposed boulevard. He says that if the proposed plans are carried out a lot of worthless land in the city will be converted into the most attractive driveway in the country. Along the drive, he says, there will be numerous parks and breathing spots that will be a joy forever to residents of the city. The plan as proposed is to convert the ravine in the vicinity of Twenty-ninth street into a boulevard. It will bear off to the northeast and strike the Nineteenth street boulevard in the vicinity of Burt street and then follow that thoroughfare.

### TWO MORE LITTLE HOLDUPS.

**Footpads Keep in Practice in Different Parts of Town.**

Charles Bachelder, foreman for the Homan livery stable on South Thirteenth street, reported to the police yesterday that he was held up and robbed near the corner of Twenty-sixth and Hamilton Wednesday night shortly before midnight. The men, who wore masks, took $8 from him, besides a watch and chain.

Half an hour previous another man, whose name could not be learned, boarded a West Farnam street motor, and told the conductor that he had just been held up and robbed near Thirtieth street. In the last named case the men secured but a small amount of money, but took their victim's watch and chain and a diamond collar button, which they happened to see.

**Looks for a Long Lost Brother.**

Chief Gallagher has received a letter from Mrs. A. C. Murray of Guffy, Colo., which recites quite a pathetic story. Mrs. Murray says that she and a brother named Albert Brister were orphans at the age of 5 and that about a year later her brother was stolen and she has never seen him since. A few weeks ago while visiting friends in Boise City, Idaho, she was surprised by receiving a letter from him. A few day later she got another one. Both were written in this city. The letters, however, failed to give his address, other than the hotels at which he was stopping, and when she wrote to these addresses she failed to find him. Mrs. Murray would like to have the police locate her brother.

**Charge of Burglary Dismissed.**

The Kastners, father and two sons, were arraigned in police court yesterday afternoon on the charge of robbing Nelson's saloon on the night of the Tiedeman murder, and August Kastner was also charged with shooting with intent to kill Officer Glover. As none of the county attorneys appeared in police court, the charges against the prisoners were dismissed on motion of Attorneys Richey and Kilkenny.

**Unity Club.**

The next fortnightly meeting of the Unity club will be held at the residence of Mr. J. McDonald, 